

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 CIAE-00 DODE-00 PM-05 H-01

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FM USMISSION USBERLIN

TO SECSTATE WASHDC PRIORITY 5297

INFO AMEMBASSY BONN PRIORITY

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY BRUSSELS

C O N F I D E N T I A L USBERLIN 2417

USEEC

E O 11652: GDS

TAGS: AKB, GDR, PGOV

SUBJ: BERLIN PARTICIPATION IN EC ELECTIONS TO THE EUROPEAN
PARLIAMENT

REF: A) USBERLIN 2363, B) USBERLIN 2355, C) USBERLIN 2390

1. DURING COURSE OF 12 SEPTEMBER KUNZE-MITDANK TALKS,
MITDANK GAVE A LENGTHY DECLARATION ON BERLIN PARTICIPATION
IN EC ELECTIONS TO THE EUROPEAN PARLIAMENT. KUNZE
REMINDS MITDANK THAT HE (KUNZE) WAS NOT COMPETENT TO
DISCUSS THIS SUBJECT WHICH AS A STATUS QUESTION WAS A
MATTER FOR THE FOUR POWERS. NOT SURPRISINGLY, MITDANK
REMARKS, WHILE TAILORED TO A GDR PERSPECTIVE, ARE
ESSENTIALLY THE SAME AS SOVIET REMARKS (REFTELS).

2. BELOW FOLLOWS INFORMAL MISSION TRANSLATION OF SENAT
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REPORT OF MITDANK COMMENTS. GERMAN TEXT OF SENAT
REPORT BEING POUCHED EUR/CE, BERLIN AND BONN.

BEGIN TEXT

ELECTIONS TO THE EUROPEAN PARLIAMENT

MITDANK REPORTED THAT HE HAD THE FOLLOWING DECLARATION
FROM HIS MINISTRY TO CONVEY TO THE SENAT:

WITH THE SUPPORT OF THE BERLIN (WEST) SENAT, THE GOVERNMENT OF THE FRG, IN CONNECTION WITH THE DECISION AND ACT OF THE COUNCIL OF THE EC FOR THE INSTITUTION OF GENERAL AND DIRECT ELECTIONS OF REPRESENTATIVES TO THE EUROPEAN PARLIAMENT, ISSUED A DECLARATION THAT THE DECISION AND ACT WERE VALID ALSO FOR LAND BERLIN. THE LAW ADOPTED 4 AUGUST 1977 BY THE FRG BUNDESTAG ALSO PROVIDES IN ARTICLE 2 FOR THE APPLICATION OF THE EC DECISION AND ACT TO WEST BERLIN. ON BEHALF OF THE MINISTRY OF FOREIGN AFFAIRS THE GDR I WOULD LIKE TO STATE THE FOLLOWING:

THE GDR FULLY AND COMPLETELY SUPPORTS THE POSITION OF THE USSR SET FORTH IN THIS CONNECTION TO THE THREE WESTERN POWERS. THE INTENDED ACTIONS OF THE FRG, WHICH ARE ACTIVELY SUPPORTED AND PROMOTED BY THE SENAT, ARE FORBIDDEN POLITICALLY AS WELL AS UNDER INTERNATIONAL LAW (SIND SOWOHL POLITISCH ALS AUCH VOELKERRECHTLICH UNZULAESSIG). THEY VIOLATE THE EXISTING FACTUAL AND LEGAL SITUATION (SIE VERSTOSSEN GEGEN DIE BESTEHENDE SACH-UND RECHTSLAGE) AND REPRESENT AT THE SAME TIME AN INFRINGEMENT (VERLETZUNG) OF THE SOVEREIGNY OF THE GDR. AS IS WELL KNOWN, BERLIN IS THE CAPITAL AND AN INTEGRAL PART OF THE GDR. ON THE OTHER HAND WESTBERLIN IS A CITY WHOSE SPECIAL POLITICAL STATUS IS DETERMINED BY THE QUADRIPARTITE AGREEMENT AND OTHER FOUR POWER AAGREEMENTS, BY WHICH WESTBERLIN IS NOT A CONSTITUENT PART OF THE FRG AND CONTINUES NOT TO BE

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GOVERNED BY THE FRG. THE INCLUSION OF WESTBERLIN IN THE FRAMEWORK OF THE FRG IN THE PROCESS OF WEST EUROPEAN POLITICAL AND LEGAL INTEGRATION AND THE EXERCISE OF COMPETENCE BY THE EC WITH RESPECT TO (GEGENUEBER) WEST-BERLIN AIM TOWARD A REVISION OF THE INTERNATIONAL LAW ESTABLISHING THE SPECIAL STATUS OF WESTBERLIN AND INFRINGE (VERLETZEN) THE BASIC PROVISIONS OF THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971. SUCH STEPS, WHICH SEEK TO TREAT WESTBERLIN AS A LAND OF THE FRG, TO ALTER UNILATERALLY ITS FIXED POLITICAL STATUS AND TO INCLUDE IT IN A CLOSED WEST EUROPEAN BLOC, CANNOT ATTAIN LEGAL VALIDITY. THE MINISTRY OF FOREIGN AFFAIRS OF THE GDR VIEWS THESE ACTIVITIES FOR THE INCLUSION OF WEST-BERLIN IN THE DIRECT ELECTION OF THE EUROPEAN PARLIAMENT AS CONTRARY TO TREATY PROVISIONS AND ILLEGAL (VERTRAGS-UND RECHTSWIDRIG) AND OPPOSES VIGOROUSLY ALL PROVISIONS FOR THE LEGAL AND POLITICAL INCLUSION OF THIS CITY WHICH LIES WITHIN THE GDR (DIESER IN MITTEN DER DDR GELEGENEN STADT) IN THE EC. IT IS EXPECTED THAT THE SENAT WILL DULY TAKE THIS POSITION INTO ACCOUNT AND DRAW THE NECESSARY CONCLUSIONS. END TEXT.DAVIS

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Message Attributes

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Disposition Approved on Date:
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